

REMARKS/ARGUMENTS

As noted above, Applicant has elected Species IV, claims 34-38, 42, 47, 47, 53, 55 and 56, for prosecution at the present time. As for elected claims 38 and 53, these claims refer to certain aspects of the structural connection between the first and second members which are generic to all embodiments and species of the present invention, including elected Species IV. Hence, these claims have been included in the claims elected for examination. Claims 38 and 53 are reproduced herebelow (with emphasis added) followed by reproductions of passages from the specification providing explicit support for their inclusion with the other elected claims (with emphasis added).

Claim 38:

The sundries caddy of claim 34 wherein said first member is releasably connected to said second member.

Specification at page 17:

Similar to the pivoted connection 28 between the first and second portions of the receptacle support shown in FIG. 3A, cooperating slots 36i or an equivalent releasable means may be adapted to any of the sundries caddies described hereinabove or otherwise within the scope of the present invention.

As used herein, the terms "captured portion" and "free portion" are relative terms and are not to be considered synonymous with either the first or second members of the receptacle support. That is, although the second member of the receptacle support has been described herein as the "free portion," it is equally possible that the first member may assume that role. Likewise, the various means for releasably connecting the receptacle to the receptacle support may be provided on either or both of the first and second members of the receptacle support.

Moreover, means other than those described may be used to releasably connect the receptacle to the receptacle support.

Claim 53:

A sundries caddy for use with furniture comprising a cushioning object supported by a cushion support structure, said caddy comprising:

a first member;

a second member hingedly connected to said first member, wherein one of said first and second members is insertable between the cushioning object and the cushion support structure of the furniture so as to define a captured portion of the caddy when inserted between the furniture cushioning object and cushion support structure, and wherein the other of said first and second members defines a free portion of the caddy when said captured portion is inserted between the furniture cushioning object and cushion support structure, whereby said free portion is disposed substantially vertically when said captured portion is inserted between the furniture cushioning object and cushion support structure;

a receptacle having an open end for releasably receiving at least one sundries item therein; and

means for connecting said receptacle to said free portion whereby a user of the caddy can orient said open end of said receptacle upwardly regardless of whether said free portion extends upwardly or downwardly with respect to said captured portion.

Specification at page 9:


However, FIG. 3A illustrates that the connection 28 between first and second members 18, 20 may be a pivoted connection. A pivoted connection 28 linking the first and second members, which may be employed in any of the receptacle supports described herein, permits caddy 10 to be folded into a compact size which is beneficial for both shipping and storage.

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Applicant reserves the option to file during the pendency of the present application one or more divisional application(s) directed to the aspects of Applicant's invention covered by the unelected species of the invention identified by the Examiner.

Respectfully submitted,

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John F. Letchford
Registration No. 33,328

ARCHER & GREINER, P.C.
One Centennial Square
Haddonfield, NJ 08033
Tel.: (856) 354-3013
Fax: (856) 795-0574
E-mail: jletchford@archerlaw.com

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